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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,
ORACLE AMERICA, INC., AND
ORACLE INTERNATIONAL
CORPORATION'S MOTION TO
SEAL EXHIBIT C TO JOINT CASE
MANAGEMENT CONFERENCE
STATEMENT**

PLAINTIFFS' MOTION TO SEAL

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 ("Protective Order"), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the Court order the Clerk of the Court to file under seal Exhibit C to the Joint Case Management Conference Statement ("Exhibit C"). Exhibit C was lodged under seal with the Court on May 13, 2011. *See* Dkt. 137.

Sealing Exhibit C is requested because the document contains information that Oracle has designated as "Confidential Information" and as "Highly Confidential Information – Attorneys' Eyes Only" under the terms of the Protective Order. The requested relief is necessary and narrowly tailored to protect the confidentiality of the commercially sensitive business information identified by Oracle, namely, information about Oracle's computer systems and information relating to the effects of certain types of improper activity on those systems. The Protective Order provides that: "Counsel for any Designating Party may designate any Discovery Material as 'Confidential Information' or 'Highly Confidential Information – Attorneys' Eyes Only' under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating Party of any Discovery Material as 'Confidential Information' or 'Highly Confidential Information – Attorneys' Eyes Only' shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation." Protective Order ¶ 2 (emphasis supplied).

Thus, in identifying Exhibit C as containing Confidential and Highly Confidential material, Oracle as the designating party has represented that good cause exists for sealing Exhibit C. This is a sufficient showing of good cause to permit a sealing order on a non-dispositive motion. *See, e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

1 The parties have submitted all other materials in the Case Management Conference
2 Statement filed May 13, 2011, for filing in the Court's public files, which would allow public
3 access to the filings except for Oracle's discovery response that contains information designated
4 as Confidential and Highly Confidential. Accordingly, the request to seal is narrowly tailored.

5 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause
6 exists to file under seal Exhibit C.

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8 DATED: May 13, 2011

BINGHAM McCUTCHEN LLP

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10 By: /s/ Geoffrey M. Howard
11 Geoffrey M. Howard
12 Attorneys for Plaintiffs
13 Oracle USA, Inc., Oracle America, Inc.,
14 and Oracle International Corp.
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